Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Establishing the Digital Opportunity Data Collection	)	WC Docket No. 19-195
	)	
	)	
Modernizing the FCC Form 477 Data Program	)	WC Docket No. 11-10

COMMENTS OF CALIFORNIA INTERNET, L.P. DBA GEOLINKS

California Internet, L.P. DBA GeoLinks ("GeoLinks" or the "Company") submits these Comments in response the Report and Order and Second Further Notice of Proposed Rulemaking issued August 6, 2019 in the aforementioned proceedings.[1]

I. INTRODUCTION AND SUMMARY

GeoLinks is one of the fastest growing Internet and phone providers in America and the #1 fastest growing fixed wireless service provider in California.[2] While the Company originally focused on business and enterprise customers, in 2016 GeoLinks turned its focus to expand its customer base to include unserved and underserved areas throughout California and beyond.

GeoLinks is an advocate for improved broadband availability mapping and commends the Commission on its efforts to modernize its broadband data collection processes. While the 2nd FNPRM proposes some improvements to how the Commission currently collects broadband data other proposals fail to take into account the fundamental differences that exist between technology types and resources available to small and mid-sized service providers. GeoLinks

[1] Digital Opportunity Data Collection, Report and Order and Second Further Notice of Proposed Rulemaking, WC Docket Nos. 19-195 and 10-90, FCC 19-79 (rel. Aug. 6, 2019) ("R&O" and "2nd FNPRM").

[2] Inc. Magazine's 37th Annual List of America's Fastest-Growing Private Companies—the Inc. 5000 (https://www.inc.com/inc5000/2019/top-private-companies-2019-inc5000.html).

presents these comments to provide guidance to the Commission regarding data collection methods that are best suited for collecting fixed wireless broadband availability data.

II. DISCUSSION

A. The Commission Should Adopt the Safe Harbor Provisions Proposed by WISPA

Fixed Wireless technology is unique. Because it utilizes direct, line-of-sight connections (from specific point to specific point), some characteristics are similar to wireline technology. Similarly, because it is wireless and does not carry the connection requirements of wireline technology (i.e. physical wires), it also shares many characteristics to mobile wireless. However, it is neither wireline nor mobile wireless and, therefore, requires broadband reporting processes specifically tailored to account for these differences.

As proposed, the data collection processes set forth in the 2nd FNPRM do not work for fixed wireless providers. A variety of factors including the location of transmission towers, specific equipment used, available spectrum bands, and line-of-sight from a tower, are all factors that must be considered when engineering a fixed wireless network. Logically, these factors also come into play when measuring broadband availability and therefore make the creation of a reporting polygon extremely challenging (at least in the form proposed by the 2nd FNPRM). Therefore, the Commission must look to adopt a solution that allows it to obtain the granular data it seeks while accounting for the technological differences of fixed wireless services.

GeoLinks supports the reporting approach previously advocated by the Wireless Internet Service Providers Association ("WISPA").[3] As WISPA explained, "in order to fulfill the overall objectives for accurate data for all areas of the country, especially rural areas, modernization must take into account the inherent differences in deployment and technology between wired

[3] WISPA Written Ex Parte Presentation, Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10 and Connect America Fund, WC Docket No. 10-90 (October 22, 2018), at 1.

broadband services and fixed wireless broadband services, as well as recognize and reduce the significant financial burdens on small providers."[4] As such, WISPA's proposal recommended "a two-pronged process to be used by fixed wireless providers to create propagation maps that better illustrate deployment coverage for various fixed wireless spectrum bands."[5] GeoLinks believes that this proposed solution strikes the right balance between the Commission's interest in securing granular broadband availability data and the realities of fixed wireless service and strongly urges the Commission to adopt WISPA's safe harbor parameters.

One addition to WISPA's proposal that GeoLinks would suggest is the option for fixed wireless service providers to provide expanded coverage information if service availability areas extend further than the proposed safe harbor parameters. While GeoLinks believes that the safe harbor parameters proposed by WISPA are generally good measures of the broadband service parameters that will be realized, the Company also believes that in some instances, additional coverage area may be possible. To ensure the most accurate reporting possible, GeoLinks urges the Commission to adopt the safe harbors in WISPA's proposal with the *option* for service providers to provide a more expanded polygon if they so choose. GeoLinks understands that any polygon areas that fall outside of the safe harbor areas would be subject to additional scrutiny by the Commission.

B. The Commission Should Require Broadband Service Providers to File Corrected Broadband Availability Data with Their Next Reporting Opportunity

In the 2nd FNPRM, the Commission proposes that USAC "ensure that providers refile updated and corrected data in a timely fashion," and seeks comment on the "appropriate time period (if any) for fixed providers to respond to a complaint."[6] GeoLinks agrees that any data

[4] *Id.* at 2.
[5] *Id.*
[6] 2nd FNPRM at paras. 89 and 90.

provided by a broadband provider that is inaccurate should be corrected. In the case of fixed wireless providers, any data that a provider chooses to provide outside of established safe harbors could be subject to correction, if inaccurate. However, GeoLinks urges the Commission not to implement correction timeframes that impose additional burden on service providers.

The Commission should require that any corrected data be submitted with a service provider's next filing opportunity, per the requirements of DODC. Broadband reporting efforts are time and resource intensive. This is especially true for small and mid-sized providers that may not have in-house GIS specialists or data analysts dedicated to broadband mapping. Requiring service providers to incur the cost of filing frequent corrections may result in service providers underreporting broadband availability to avoid filing corrections. Instead, lumping corrections in with the required reporting at a set interval (as proposed in the 2nd FNPRM) will not require service providers to allocate more resources than they already do for these ongoing filings. Moreover, this will ensure the most accurate data possible is provided at each filing deadline. For these reasons, GeoLinks urges the Commission to allow service providers to correct any inaccurate data with their next filing.

The 2nd FNPRM also asks whether the Commission should require providers to resubmit all earlier datasets for the affected areas to conform to any corrections.[7] GeoLinks sees no value in resubmitting old data that may be outdated anyway. First, broadband data for small and mid-sized carriers may change overtime due to customer attrition, changes in equipment used, network updates, etc. Therefore, past data sets may be different than newly reported data sets and requiring correction could mean re-submitting incorrect data. In addition, as stated above, broadband data reporting is already a time and resource intensive effort for small and mid-sized

[7] *Id.* at para. 94.

service providers. To require submission of new data and old data when an error is found could double or triple the work required for no actual benefit to the Commission's mapping efforts. Instead, GeoLinks urges the Commission to just require the most correct data be submitted at each reporting deadline and use that data to populate its broadband availability tools.

C. The Commission Should Require Individuals to Provide Proof that a Service Provider Declined to Provide Service Within the Applicable 10-Business Day Period

In the 2nd FNPRM, the Commission proposes to require "that individuals disputing coverage certify that they have requested service from the provider and that the provider either refused, or failed, to provide service within the applicable 10-business day period."[8] While GeoLinks believes that certification is a good start, false certifications would be difficult to determine prior to the Commission/ USAC and the subject service provider expending time and resources to investigate. Therefore, the Company urges the Commission to go one step further and require that disputes not only include a certification but also include proof that the service provider declined to provide service. This could perhaps be in the form of an email from the service provider to the individual, a cancelled service order, or a transcript from a call to customer service. This proof requirement will help ensure that the Commission/ USAC and service providers are only investigating legitimate disputes. Moreover, this would also help eliminate the risk of malicious challenges via automated tools or bots.[9]

[8] *Id.* at para. 91.
[9] *Id.* at para. 97.

D. The Commission Should Not Require Fixed Broadband Providers to Report Latency Levels

In the 2nd FNPRM, the Commission seeks comment on "whether fixed broadband providers should include latency levels along with the other parameters in reporting their coverage polygons."[10] The simple answer is "no" for a number of reasons.

As an initial matter, latency testing is not something commonly done by service providers because it is costly and doesn't provide valuable data to the provider. While latency testing is required under CAF, CAF recipients are only required to test a subset of customers, built the costs of such testing into their CAF auction bids, and are receiving high-cost support, in part, to undertake this testing. To impose it on every service provider for all data provided would be extremely burdensome. Second, GeoLinks fails to see what value this data would be to the Commission to warrant such burdensome testing requirements. Depending on the applicable protocol and engineering of a network, a service provider can provide high speed broadband to its customers and a high-quality user experience even with what may be considered higher latency. From this perspective so long as the customer is obtaining the speeds they expected, a specific latency measurement is unnecessary. Lastly, latency is not a measure of broadband "deployment," which the Commission states is "critical to the Commission's efforts to bridge the digital divide."[11] Therefore, and for the foregoing reasons, GeoLinks urges the Commission to not impose the burden of latency testing on providers.

III. CONCLUSION

GeoLinks commends the Commission on its efforts to modernize its broadband data collection processes. In order to ensure more granular data that takes into account the

[10] *Id.* at para. 81.
[11] *Id.* at para 1.

fundamental differences that exist between technology types and resources available to small and mid-sized service providers, GeoLinks urges the Commission to adopt the safe harbor proposal set forth by WISPA, only require service providers to file corrected data with its next submission opportunity (and only on a forward-looking basis), require proof of service denial in the dispute process, and refrain from requiring service provider to provide latency data that will not improve the Commission's understanding of the current status of broadband deployment.

Respectfully submitted,

California Internet, L.P. DBA GeoLinks

/s/ Melissa Slawson, General Counsel/ V.P of Government Affairs and Education

September 23, 2019